

June 22, 2003

Docket Management System  
U.S. Department of Transportation, Room PL401  
400 Seventh Street, SW  
Washington, DC 20590-0001

The Grand Canyon Trust appreciates this opportunity to comment on the proposed FAA Standard for Noise Limitations at Grand Canyon National Park, as promulgated in FAA Notice No. 03-05, Docket Number FAA 2003-14715.

We, and our partner organizations, commented extensively on this proposal for a noise emission standard in early 1997. We reiterate and expand upon some of these comments here, but must also emphasize the shrinking circle of time in which we find ourselves:

- Time is fast running out towards the committed Due Date of *April 22, 2008* for accomplishing the substantial restoration of natural quiet at GCNP. (In late 1996, when this noise standard was first proposed, the FAA had more than eleven years available to the deadline; now there remains but four years and ten months.)
- This proposed Rule, unfortunately, does not represent an equivalent advance towards restoration, comparable to the 1996 proposed Rule, because this time we are presented with the mere defining of the standard, with no implementing *measures* to utilize it.
- The Comprehensive Noise Management Plan (CNMP) – promised by the agencies in the original 1996 Noise Limitations Rule preamble, to be fully operative by *May 1, 2002* – appears still nowhere in sight. The Canyon is far out of compliance, as the FAA has recognized, and as per definitional clarifications re “substantial restoration” further provided in the decision of the U.S. Court of Appeals, D.C. Circuit. (August, 2002).
- The continuing absence of this overdue “linchpin” CNMP puts into increasing doubt the key representations FAA made to Congress in its August, 2001 Report, re: “Quiet Aircraft Technology for Grand Canyon”:

*“The goal of this (quiet technology) effort is to use quiet technology as the final increment for achieving substantial restoration of natural quiet at GCNP. Thus, it is absolutely imperative to prove that the (quiet technology) proposal under consideration is reasonable, appropriate, and will achieve the goal.”*

So, without the other remedial measures being precisely set first in place, how can the FAA possibly, intelligently honor its own declaration?

**KEY REQUEST: Please therefore provide Revised Due Dates for the Comprehensive Noise Management Plan, first in draft, and then in Final Rule form.**

While the Grand Canyon Trust supports the re-stated Noise Limitation Standard for “quiet technology” -- as it did more than six years ago – we must simultaneously request that the FAA and the NPS immediately produce determinations on the following items:

1. Step One: Determine the “other increments” first, using a preliminary estimate based on what has to date been accomplished under all parameters and tools utilized to date by the agencies, including the court’s clarifications from Y2002.
2. Step Two: Determine how far we remain from the Goal. This determination should be provided no later than one year from now (Spring, 2004), based on the Base Year operations data from 1997-8.
3. Step Three: Adjust the degree of restoration accordingly, by (a) further modifying the “East End Routes” proposal (as described below); (b) appropriately revising the cap and or curfew; (c) including quantitatively the degree by which FAA intends to mitigate the noise from other, non-tour aircraft overflying GCNP.

The Grand Canyon Trust considers “quiet technology” rulemaking of value. But the Trust does not support quiet technology issues being allowed to interminably delay equally overdue, easily obtainable, substantive relief using various other tools. The track record of the agencies over the past decade, together with the performance of the NPOAG (National Parks Overflights Advisory Group) to date – particularly referring to its neglect of its assigned role re *quiet technology* – inspires no confidence that the quiet technology “final increment” can be remotely in place by 2008.

However, it will still be desirable to integrate the “quiet technology” increment into the overall scheme *as soon as possible thereafter*. It will be necessary as we near the conclusion of the “fifteen year phase-in” for quiet technology described in the NPS 1994 Report to Congress. The “substantial restoration” must not only be attained by April, 2008; it must then be *maintained*, if not improved upon, indefinitely. (It serves little purpose to barely attain said restoration for a brief interval – say, the Y2008 season – only to have the situation revert back immediately to unlawful and unacceptable noise levels.)

**KEY POINT: The 1994 NPS Report to Congress declared:**

***“The 15 year phased approach is designed to allow the air tour industry time to acquire such technology, either through purchasing new equipment or retrofitting existing equipment.”***

In 1997, the environmental coalition warned the FAA, in its comments on the Noise Limitation NPRM) that, while the quiet technology rule could be part of a larger plan, “quiet technology” wouldn’t do it alone. “Quiet Technology” still means Noise, lots of it!

The Trust requested in those comments that the conversion to the quietest aircraft be immediately mandated, and that a cap on the number of tour operations be well below the 1987 levels. None of this was done.

The Trust also observed that some “quiet aircraft” are noisier than some “non-quiet” aircraft, under this same definition. Therefore, caps would need to be implemented, both on the number of operations a (formerly designated “C”) “quiet” aircraft can fly, as well as on the number of air tour passengers. We also support comments from the Sierra Club – Grand Canyon Chapter – re “Helicopters vs. Fixed Wing”. Helicopters are simply not “quiet” given the special nature of their fluctuating noise, even under the proposed standard.

The FAA clearly lacks basis for implying possible future “removal” of the air tour limitations (in consultation with NPOAG.) Rather, the FAA will need, if anything, to quickly discuss tightening the cap on all tours, in order to comply with the law.

In September 30, 1996 comments on FAA Docket No. 28537, the Grand Canyon Trust stated, “the Park Service proposal for conversion to quiet aircraft is an excellent one and should be followed. It would progressively phase out all but the quietest aircraft from the Dragon Corridor first, followed by... the Zuni Point Corridor.”

Now, in the nearly seven years since the Trust offered those comments, we can look back with hindsight on the Park Service’ 1994 proposal and make the following observations:

- All time has expired, under the current severe degree of regulatory non-compliance, for any appropriate or reasonable continued existence of the Dragon Corridor. The Park Service envisioned its use as a temporary-only “incentive corridor” just for the five-year period 1997-2002 (following the 1997 Final Rule effective date.) That time is long past gone, the opportunity to so use it apparently squandered.
- Limited time – perhaps one season, 2007 – would remain for the Zuni to be deployed as a “quiet technology” incentive corridor, before the Y2008 Due Date.

By May 1, 2006, the FAA should promulgate a Noise Limitation Draft Rule, which could become final May 1, 2007. This final Rule would (1) convert the Zuni Corridor to “quiet aircraft only”, and (2) abolish the Dragon Corridor, except possibly for some limited quiet technology incentive use during a couple of “off seasons” (2007, 2008), when the North Rim is blocked to most visitor use.

In this regard, we incorporate by reference the Sierra Club – Angeles Chapter’s comments dated March 12, 1997, on Docket 28770, into our current comments. These

illustrated comments focused on the Dragon Corridor and its invasive, wanton disregard for the ground visitor experience of Grand Canyon National Park. The Sierra Club then rejected its intended use as an “incentive corridor” for air tours, and its reasoning appears even more cogent to us now.

The elimination of the Dragon Corridor was unfortunately never done. Its over-extended use for air tours –heavily loaded with helicopters -- in the six years since has been grossly excessive, inappropriate, “non-incentive”, and not in conformance with the NPS’ original long term phase-out recommendation.

**KEY POINT: By the year 2010 (the “Fifteen Year” Point) in the Park Service’s proposed “phase out”, all aircraft over the Grand Canyon’s then remaining routes on the West End, and on the East End, “Zuni” – would be required to meet the quiet technology standard.**

As can be summarized, then, from the above: We ultimately support the proposed noise emission standards ONLY if they apply to ALL commercial tour aircraft at the Grand Canyon. We join with the others in opposing duplicate routes connecting the same two points (one incentive route and one non-incentive route.) This would only INCREASE noise by spreading it over a wider area.

As other observers have commented, this would be counter-productive to both Rule and the Overflights Act. To have any positive effect, the standards must be mandatory, not voluntary. Noise emission standards should be a prerequisite for the privilege and expected consideration given for flying in the Grand Canyon SFRA. No other “incentive” is necessary (be it “preferred routes”, “subsidies”, “curfew elimination or shortening”, “rollback in overflights fees”, “waiving park admission fees for passengers”, or “government loans.”)

*Operational limitations*, at this late stage in the allotted phase-out time, will thus be immediately needed, to ensure that only “quiet technology” tour aircraft are overflying the “east End” by 2007 and the whole Park by the Y2010 season. These would include particularly “phase out” of non-conforming equipment, and “expanded curfews” (including flight free days, weeks, and or seasons). Also, noise budgets, and quota systems could be used. However, these last two may be unduly complicated to develop in the short time remaining before the Y2008 Due Date.

The central focus during the last half of the decade will increasingly be on the Canyon’s West End, assuming also (1) the Y2007 proposed, belated abolition of the Dragon Corridor; and (2) the Zuni becoming “quiet aircraft only”, also beginning in Y2007.

Thank you for the opportunity to comment.

Sincerely yours,

Tom Robinson  
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Grand Canyon Trust

Cc:

Senator John McCain  
Superintendent Joe Alston, Grand Canyon National Park